

Circuit Court Summons

Franklin County, Tennessee

FILED  
State of Tennessee  
County of Franklin  
12<sup>th</sup> Judicial District  
2012 NOV 23 A 10:29

**COPY**

DENNIE HILL

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

File No.: 2012-CV-18898  
JURY DEMAND

Plaintiff,

vs.

BY \_\_\_\_\_ DEPT. CLERK

HEARTLAND CROP INSURANCE CO., National Registered Agents, Inc., Ste 305, 2300 Hillsboro Road,  
Nashville, TN 37212-4927, Policy No. 47-101-795, Heartland Crop Insurance, Inc., P.O. Box 330, Topeka, KS  
66601-0330

Defendants.

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in Circuit Court, Franklin County, Tennessee, and your defense must be made with thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: October 23, 2012

ROBERT BAGGETT, CLERK

By:

Y. Am Anderson  
Deputy Clerk

Attorney for Plaintiff: DAVIS, KESSLER, & DAVIS  
P.O. Box 626  
Winchester, TN 37398

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. (T.C.A. 26-2-114.)

TO THE SHERIFF: Please execute this summons and make return hereon as provided by law.

ROBERT BAGGETT, CLERK

Received this summons for service this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_, D.C.

\_\_\_\_\_  
Officer

RETURN OF SERVICE OF SUMMONS

I hereby certify and return, that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I served this Summons together with the complaint herein as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Officer

RETURN OF SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, I sent, postage prepaid, by registered return receipt or certified return receipt mail, a certified copy of the summons and a copy of the complaint in Docket No. \_\_\_\_\_ to the Defendant, \_\_\_\_\_ On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I received the return receipt for said registered or certified mail, which has been signed by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Said receipt is attached to this original summons, and both documents are being sent herewith to the clerk for filing.

\_\_\_\_\_  
Plaintiff, Plaintiff's attorney or other person  
authorized by statute to serve process

\_\_\_\_\_  
Notary Public or \_\_\_\_\_ Deputy Clerk

My Commission Expires: \_\_\_\_\_

Attach return receipt here  
(if applicable)

\_\_\_\_\_

**COPY**

**IN THE CIRCUIT COURT OF FRANKLIN COUNTY, TENNESSEE**

**DENNIE HILL,**

**Plaintiff,**

**v.**

**HEARTLAND CROP INSURANCE CO.**

**Defendant.**

**Case No. \_\_\_\_\_**  
**JURY DEMANDED**

FILED 11-23-12  
TIME 11:23 a.m.  
ROBERT BAGGETT  
CIRCUIT COURT CLERK  
FRANKLIN COUNTY, TN

**COMPLAINT**

Dennie Hill, Plaintiff, by and through counsel, would state as follows as his complaint against Heartland Crop Insurance Co.:

1. Plaintiff, Dennie Hill, is a citizen and resident of Franklin County, Tennessee.
2. Defendant, Heartland Crop Insurance Co., is a corporation doing business in Tennessee and may be served with process through its registered agent, National Registered Agents, Inc., Ste 305, 2300 Hillsboro Road, Nashville, TN 37212-4927.
3. In consideration for money paid by the Plaintiff to the Defendant, the Defendant issued and delivered to the Plaintiff a Federal Crop Insurance Policy, #47-101-795, insuring the Plaintiff's field grown nursery stock. A copy of said policy is attached hereto.
4. While the above referenced policy was in full force and effect, during the crop year of 2011, the insured nursery stock was damaged by cicadas.
5. On or about June 07, 2011 a notice of loss was submitted through Birdsong Crop Insurance in Winchester, Tennessee.

6. The Plaintiff has complied fully with all provisions in the policy, but the Defendant has refused to make a reasonable payment for the loss and damage sustained.

7. The Defendant's refusal to pay is not in good faith, and as a direct and proximate result of the Defendant's refusal, the Plaintiff has incurred expense, additional loss, and injury. As such, pursuant to T.C.A. §56-7-105, in addition to the amount of the insured loss plus interest, the Plaintiff is entitled to an amount equal to 25% of the liability for the loss.

**WHEREFORE**, Plaintiff demands judgment against the Defendant in the amount of \$400,000, Plaintiff demands trial by jury, and Plaintiff demands such other and further relief to which he may prove entitled.

Dated 10-23-2012

Respectfully Submitted  
Davis, Kessler, & Davis

By: 

Floyd Don Davis  
BPR # 003621  
705 Dinah Shore Blvd.  
P.O. Box 626  
Winchester, TN 37398  
(931) 967-7000  
Attorney for Plaintiff

**COST BOND**

The undersigned hereby acknowledges himself surety for costs in the above cause of action not to exceed \$500.

  
Attorney

**CERTIFIED MAIL**



705 DINAH SHC  
P.O. BOX  
WINCHESTER,



7012 0470 0002 0165 2595



1000



37212

U.S. POSTAGE  
PAID  
WINCHESTER, TN  
37398  
OCT 24 '12  
AMOUNT

**\$5.95**  
00051017-08

RETURN RECEIPT  
REQUESTED

Heartland Corp Insurance Co.  
National Registered Agents, Inc.  
2300 Hillsboro Rd., Ste 305  
Nashville, TN 37212-4927

From: 18005506724  
TENNESSEE  
National Registered Agents, Inc.  
2300 Hillsboro Road  
Suite 305  
Nashville, TN 37212

Origin ID: RNCA



Ship Date: 26OCT12  
ActWgt: 0.5 LB  
CAD: 103849670WSX12600

Delivery Address Bar Code



SHIP TO: (785) 235-5568

BILL SENDER

**JIM EASTBURN**  
**HEARTLAND CROP INSURANCE INC.**  
**120 SE 6TH STREET, SUITE 2-210**

**TOPEKA, KS 66603**

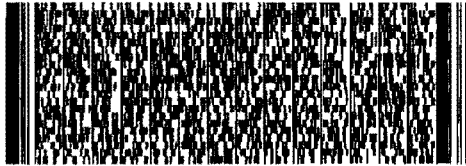
Ref # TN23664  
Invoice #  
PO #  
Dept #

**TUE - 30 OCT A2**

**\*\* 2DAY \*\***

TRK# 7939 4227 8504

0201

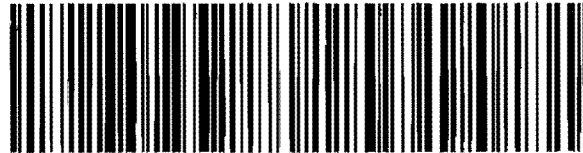


**SA TOPA**

**66603**

KS-US

**MCI**



515G1/BCCB/AA44